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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/001,911	10/31/2001	Jarratt Applewhite	SMBA:001USC2	9933

7590

01/26/2005

Austin Office
Suite 2400
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Austin, TX 78701

EXAMINER

PHAM, HUNG Q

ART UNIT

PAPER NUMBER

2162

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/001,911	APPLEWHITE ET AL.	
	Examiner	Art Unit	
	HUNG Q PHAM	2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>02, 03, 04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

The information disclosure statements (IDS) submitted on 03/04/2002, 08/25/2003 and 03/08/2004 were filed before the mailing date of the first Office Action. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1 20, and 23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

- As set forth in MPEP 2106 (I), and 2106 (II) (A):

"Computer-related inventions" include inventions implemented in a computer and inventions employing computer-readable media.

...

The claimed invention as a whole must accomplish a practical application. That is, it must produce a "useful, concrete and tangible result." State Street, 149 F.3d at 1373, 47 USPQ2d at 1601-02. The purpose of this requirement is to limit patent protection to inventions that possess a certain level of "real world" value, as opposed to subject matter that represents

Art Unit: 2162

nothing more than an idea or concept, or is simply a starting point for future investigation or research (Brenner v. Manson, 383 U.S. 519, 528-36, 148 USPQ 689, 693-96); In re Ziegler, 992, F.2d 1197, 1200-03, 26 USPQ2d 1600, 1603-06 (Fed. Cir. 1993)). Accordingly, a complete disclosure should contain some indication of the practical application for the claimed invention, i.e., why the applicant believes the claimed invention is useful.

Regarding claim 1 and 23, the method can be implemented with a pencil, and a piece of paper to write the program for implementing the recited steps. Further, the language of claim 1 raises a question as to whether the claimed method is directed merely to an abstract idea that is not tied to a technological art, environment, or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. § 101. Therefore, the claimed invention is non-statutory subject matter. Claim 1 should be amended to indicate the recited steps are implemented by a computer, i.e., a computer implemented method, and claim 23 should be amended to have a computer program embodied in a computer readable medium to have a tangible result. Similarly, an electronic media as in claim 20 is not statutory and a computer readable media is recommended.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Machihara et al. [USP 6,233,578 B1].

Regarding claims 1, 10, 11, 20-24, Machihara teaches a method, program and system for retrieving information from database system.

- As illustrated at step 101 of FIG. 6, information retrieval request includes retrieval conditions and display format (Col. 8, Lines 9-15) as *customer data based on criteria from a customer*. For example, a user enters a retrieval request such as *search for the names for sumo-wrestlers who was born in Tokyo and the names for their bosses, and show the results in a spreadsheet* A. Keywords are extracted from the query and forwarded to the language analysis section 120, which performs item analysis on each of the keywords, using an item dictionary, and obtains information from IRD 170 (Col. 9, Lines 31-62). As illustrated at FIG. 4 is the structure of Information Resource Dictionary IRD 170. As seen, information retrieval request is

Art Unit: 2162

compared to data in IRD 170 as an application database using the technique of extracting keywords from the query and language analyzing as query application.

- Referring back to FIG. 6, an information retrieval statement is prepared in the form of SQL, the retrieved results are converted into a format specified by the user, and are transferred to appropriate application software 160 through the interface section 110 to be presented to the user. As seen, the technique as discussed performs the steps of *sending a set of results from the query application to interface section 110 as output interface application,*
- and *sending output data from interface section 110 as output interface application to application software 160 to be presented to the user as customer.*

Regarding claim 2, Machihara teaches all of the claimed subject matter as discussed above with respect to claim 1, as shown in FIG. 3, the language analysis section 120 is to *transform data in a customer repository into the customer data using a primary conversion module, the customer repository and the primary conversion module composing a customer data system* (Col. 7, lines 11-16).

Regarding to claim 3, Machihara teaches all the claimed subject matters as discussed in claim 1, Machihara further discloses the step of *storing the customer data in a customer database using a customer data interface application before comparing* (Col. 7, lines 8-10).

Regarding to claims 4 and 14, Machihara teaches all the claimed subject matters as discussed in claims 3 and 13, Machihara further discloses *the customer data is scrubbed by the customer data interface application* (Col. 7, lines 11-16).

Regarding to claims 5 and 15, Machihara teaches all the claimed subject matters as discussed in claims 3 and 13, Machihara further discloses *the customer data is updated by the customer data interface application* (Col. 7, lines 11-16).

Regarding to claims 6 and 16, Machihara teaches all the claimed subject matters as discussed in claims 5 and 15, Machihara further discloses *data/drivers are changed by the customer data interface application* (Col. 7, lines 11-16).

Regarding to claims 7 and 17, Machihara teaches all the claimed subject matters as discussed in claims 3 and 13, Machihara further discloses the step of *transforming data in a customer repository using a primary conversion module that composes a customer data system before storing* (Col. 7, lines 11-16).

Regarding claims 8 and 18, Machihara teaches all of the claimed subject matter as discussed above with respect to claims 1 and 11, as shown in FIG. 3, the language analysis section 120 is to *transform data in a customer repository into the customer data using a primary conversion module* (Col. 7, lines 11-16). The information resource dictionary 170 is

Art Unit: 2162

to *transform data in a repository into data in a replica database using a primary conversion module* (Col. 7, lines 34-38).

Regarding to claim 9, Machihara teaches all the claimed subject matters as discussed in claim 1, but fails to disclose *the customer data include motor vehicle driver data*. However, a database is to store data, and obviously, motor vehicle driver data could be stored in a database. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the Vandersluis method by including vehicle driver data in the database in order to search and retrieve the data for a particular business.

Regarding claim 12, Machihara teaches all of the claimed subject matter as discussed above with respect to claim 11, Machihara further discloses *a primary conversion module coupled to the query application; and a customer repository coupled to the primary conversion module, wherein the primary conversion module and the customer repository compose a customer data system* (FIG. 3, Col. 7, lines 11-16).

Regarding claim 13, Machihara teaches all of the claimed subject matter as discussed above with respect to claim 11, Machihara further discloses *a customer database coupled to the query application, the customer database containing the customer data; and a customer data interface application coupled to the customer database* (Col. 7, lines 8-10).

Art Unit: 2162

Regarding to claim 19, Machihara teaches all the claimed subject matters as discussed in claim 11, Machihara further discloses *a computer network comprising the apparatus of claim 11* (FIG. 3).

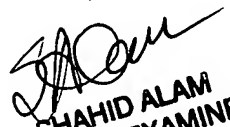
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUNG Q PHAM whose telephone number is 571-272-4040. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN E BREENE can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiner Hung Pham
January 12, 2005


SHAHID ALAM
PRIMARY EXAMINER